



The altercation between claimant and a coworker occurred on respondent's premises while the employees were at work. But the Appeals Board finds claimant's injuries did not arise out of his employment because the assault was a result of personal animosities between the employees not foreseeable by the respondent. See Harris v. Bethany Medical Center, 21 Kan. App. 2d 804, Syl. ¶ 2, 909 P.2d 657 (1995).

The dispute between these employees was over claimant driving the other employee's truck after work and spinning the truck's tires. This was a personal problem that had no relationship with the nature, conditions, obligations, and incidents of the employment. Additionally, there is no evidence contained in the preliminary hearing record that the employer had any reason to know or should have known the likelihood of the coworker assaulting claimant.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order Denying Compensation entered by Administrative Law Judge Pamela J. Fuller on March 22, 1999, should be, and is hereby, affirmed in all respects.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of May 1999.

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BOARD MEMBER

c: Robert A. Levy, Garden City, KS  
Ronald J. Laskowski, Topeka, KS  
Pamela J. Fuller, Administrative Law Judge  
Philip S. Harness, Director